

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

FILED
11 FEB 23 PM 1:37
STATE OF FLORIDA
TALLAHASSEE

In Re: Leon County Democratic Executive Committee

**Case No.: FEC 11-206
F.O. No.: 12-008W**

CONSENT FINAL ORDER

The Respondent, Leon County Democratic Executive Committee, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On September 2, 2011, the Commission received a sworn complaint alleging that Respondent violated Florida election laws.
2. The information in the complaint indicated that Respondent may have committed violations of Florida's election laws.
3. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in this case.
4. The Respondent and the staff stipulate to the following facts:
 - a. The Respondent is registered with the State of Florida as an Executive Committee.
 - b. The Respondent received a contribution less than 5 days before the 2010 primary election.
 - c. The Respondent used or expended the contribution on behalf of a candidate, issue, affiliated party committee, or political party participating in the 2010 primary election.
5. No other legally sufficient violation of Chapters 104 or 106, Florida Statutes, was

alleged in the complaint.

CONCLUSIONS OF LAW

6. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

7. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

8. The Commission staff and the Respondent stipulate that staff can establish a prima facie violation of Section 106.29(4), Florida Statutes.

ORDER

9. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

10. The Respondent shall bear their own attorney fees and costs that are in any way associated with this case.

11. The Commission will consider the Consent Order at its next available meeting.

12. The Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

13. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

14. If the Commission does not receive the signed Consent Order within 7 days of the date Respondent or their attorney received this order, the staff withdraws this offer of settlement

and will proceed with the case.

15. Payment of the civil penalty paid by money order, cashier's check, or attorney trust account check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

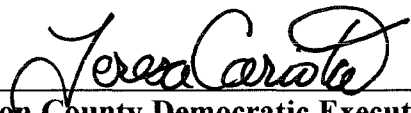
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.29(4), Florida Statutes. The Respondent shall pay a civil penalty of \$500.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$500, inclusive of fees and costs. The civil penalty shall be paid with a money order, cashier's check, or attorney trust account check, and made payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The **Respondent** hereby agrees and consents to the terms of this Order on

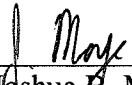
January 30th, 2012, 2012.



**Leon County Democratic Executive
Committee, Respondent**
P.O. Box 1751
Tallahassee, Florida 32302

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

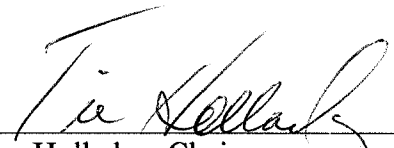
January 30th, 2012.



Joshua B. Moye
Assistant General Counsel
Florida Elections Commission
107 W. Gaines Streets
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on

Feb. 21, 2012.



Tim Holladay, Chairman
Florida Elections Commission

2-23-12

Date

Copies furnished to:

Joshua B. Moye, Assistant General Counsel
Richard S. Junnier, Attorney for Respondent

039045

REMITTER: ** LEON CO DEMOCRATIC EXECUTIVE ** DATE 1/30/12

PAY TO THE ORDER OF *** FLORIDA ELECTIONS COMMISSION ***

EXACTLY **500 AND 00/100 DOLLARS

\$ 500.00

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN

FARMERS & MERCHANTS BANK

AUTHORIZED SIGNATURE

Jennifer J. Reese

039045

REMITTER: ** LEON CO DEMOCRATIC EXECUTIVE ** DATE 1/30/12

*** FLORIDA ELECTIONS COMMISSION ***
EXACTLY **500 AND 00/100 DOLLARS

\$ 500.00

CUSTOMER - FILE COPY

CASHIER'S CHECK

FARMERS & MERCHANTS BANK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE